

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONNIE MONEY COLEMAN,

Plaintiff,

v.

PRISON STAFF ACCOUNTANT, *et al.*,

Defendants.

Case No. 3:20-cv-0335-RCJ-WGC

ORDER

Plaintiff, who is incarcerated in the custody of the Nevada Department of Corrections (NDOC), has filed motions to extend the time to amend his complaint (ECF No. 9), to compel the NDOC to respond to the subpoena duces tecum (ECF No. 10), and for an admission (ECF No. 11).

On May 17, 2021, the Court granted Plaintiff's motion for the Court to issue a Rule 45 subpoena duces tecum to the Custodian of Records for the NDOC. (ECF No. 6). The subpoena requested the NDOC to identify an individual. On May 24, 2021, the Attorney General accepted service on behalf of NDOC, appearing specially for the sole purpose of responding to the subpoena duces tecum. (ECF No. 7). Plaintiff filed his motion to compel on July 27, 2021, and his request for admission on August 9, indicating that the NDOC had not responded to the subpoena.

The NDOC now opposes the motion to compel (ECF No. 12) solely on the basis that it has become moot because, also on August 9, 2021, the Attorney General, after consulting with the NDOC, sent a letter to the Plaintiff identifying the individual whose identity was the

1 subject of the subpoena. As such, it appears that the Attorney General is representing to
2 the Court that the NDOC has now substantially complied with the subpoena.

3 Accordingly, for good cause shown,

4 **IT IS HEREBY ORDERED** that Plaintiff's unopposed Motion for Extension of Time
5 (ECF No. 9) is **GRANTED**. Plaintiff shall have 30 days from the entry of this Order to file
6 an Amended Complaint.

7 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Compel (ECF No. 10) and
8 Request for Admission (ECF No. 11) are **DENIED** as moot, but without prejudice, on the
9 basis that the NDOC has represented to the Court that it has substantially complied with
10 the subpoena duces tecum.

11 DATED: August 11, 2021.

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United States Magistrate Judge